

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

SECOND JUDICIAL DISTRICT

TINA M. JOHNSON and husband  
GINO M. JOHNSON

**FILED**  
MAR 15 2021

PLAINTIFFS

VERSUS

CIVIL ACTION NO. A2402-2021-048

WAL-MART STORES EAST, LP;  
JOHN DOES 1-5; and XYZ  
CORPORATIONS 1-5

CONNIE LADNER  
CIRCUIT CLERK

BY: [Signature] D.C.

DEFENDANTS

**COMPLAINT**

COME NOW the Plaintiffs TINA M. JOHNSON and husband GINO M. JOHNSON, and for cause of action against the Defendants WAL-MART STORES EAST, LP; JOHN DOES 1-5; and XYZ CORPORATIONS 1-5 , INC., would, with respect, show unto the Court the following facts, to-wit:

I.

Plaintiffs Tina M. Johnson and husband Gino M. Johnson are adult resident citizens of Harrison County, Mississippi.

II.

Defendant WAL-MART STORES EAST, LP (hereinafter referred to as "WAL-MART"), is a foreign limited partnership organized and existing under the laws of the State of Delaware, which has qualified to do and is doing business in the State of Mississippi, and has appointed and designated C T Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232, as its registered agent for the service of legal process in the event of suit against it.

DEFENDANT'S  
EXHIBIT

"A"

III.

Plaintiffs also bring this action against John Does 1-5 and XYZ Corporations 1-5 who are person, firms, corporations or legal entities presently unknown to Plaintiffs and unidentifiable by them, who may have also participated in the acts or events described in this Complaint and who may also be liable to Plaintiffs. If the identity of these persons/entities becomes known through discovery, Plaintiffs will amend this Complaint to join them as defendants.

IV.

This Court has subject matter jurisdiction of this cause pursuant to the provisions of Miss. Code Ann. §9-7-81 (1972) in that the subject matter of this litigation is not made exclusively cognizable in some other court by the Constitution and laws of this State, and the principal amount in controversy exceeds the sum of Three Thousand Five Hundred and No/100 Dollars (\$3,500.00).

V.

At all times hereinafter complained of, the Defendant Wal-Mart owned and/or operated a retail store known as Wal-Mart Supercenter No. 2715 located at 3615 Sangani Boulevard, D'Iberville, Harrison County, Mississippi. Said premises were owned and/or operated by the Defendant Wal-Mart solely for the purpose of attracting the general public to come onto said premises for the economic advantage of said Defendant Wal-Mart; that said Defendant Wal-Mart invited the general public onto its premises as business visitors, invitees and prospective customers.

VI.

At all relevant times, the Defendant Wal-Mart had the responsibility and duty of maintaining the premises including, but not limited to, the floors, walkways and aisles throughout and around said store, in a reasonably safe condition for use by its patrons.

**COUNT ONE**

VII.

On March 19, 2018, the Plaintiff Tina M. Johnson was shopping at the Defendant Wal-Mart's store located at 3615 Sangani Boulevard, D'Iberville, Mississippi, and on said date Plaintiff Tina M. Johnson was a visitor and invitee on Defendant Wal-Mart's premises and was making lawful use of the premises at the time of the wrongs and injuries hereinafter complained of. Defendant Wal-Mart owed Plaintiff Tina M. Johnson the duty of furnishing her a reasonably safe place within said premises in which to walk and the duty to exercise ordinary care and caution in and about the operation, maintenance and management of said store and premises; the Defendant Wal-Mart breached and violated said duties then and there owed the Plaintiff Tina M. Johnson and as a direct and proximate result thereof, the Plaintiff Tina M. Johnson was injured and damaged as hereinafter alleged.

VIII.

Plaintiff Tina M. Johnson was shopping in the housewares department of Defendant Wal-Mart's store and was exercising all due care and caution for her own safety. As Plaintiff Tina M. Johnson walked through the area where rugs were displayed for sale, she stepped on a small rug/mat which had been left on the floor. The rug/mat slipped causing Plaintiff Tina M. Johnson to trip and fall. As a result of her fall, she sustained severe,

painful and permanent injuries. The Defendant Wal-Mart, its agents, servants and employees were negligent in allowing the rug/mat to remain on the floor after they knew, or by the exercise of reasonable care, should have known, that the rug/mat created a hazard to business customers, including the Plaintiff Tina M. Johnson.

IX.

Plaintiffs charge that the Defendant Wal-Mart was negligent in one or more of the following respects which proximately caused or contributed to her injuries and damages, to wit:

- A. In failing to properly maintain the premises;
- B. In failing to eliminate the hazard in a timely manner;
- C. In failing to use due and reasonable care to warn of the hazard;
- D. In failing to provide safe, adequate and proper aisles and walkways throughout and around the facility for business invitees, including the Plaintiff Tina M. Johnson;

all of which the Plaintiffs charge was negligence which proximately caused or contributed to Plaintiff Tina M. Johnson's injuries and damages.

X.

As a direct and proximate result of the negligence of the Defendant Wal-Mart, the Plaintiff Tina M. Johnson was caused to suffer serious, permanent, painful and disabling injuries for which she should be compensated. She has incurred significant medical, hospital, drug, physical therapy and related expenses to date and can reasonably expect future medical expenses for the rest of her life. Plaintiff Tina M. Johnson has past lost wages and can reasonably expect future lost wages and a permanent loss of wage-earning



capacity. She has suffered severe mental and emotional anxiety and can reasonably expect future mental and emotional pain and suffering. She has endured and continues to experience physical pain and has lost the enjoyment of normal life. She will have permanent disability and will face a lifetime of physical and mental pain and suffering as a direct and proximate result of the negligence of the Defendant Wal-Mart.

XI.

Plaintiffs allege that the injuries and damages sustained by Plaintiff Tina M. Johnson were the direct and proximate result of the recklessness, negligence, willfulness, wantonness and unlawfulness on the part of the Defendant Wal-Mart as above stated without any negligence on the part of the Plaintiff Tina M. Johnson contributing thereto.

**COUNT TWO**

XII.

Plaintiffs incorporate herein by reference all of the allegations of Paragraphs I through XI of the Complaint and further say that prior to the injuries sustained by reason of Defendant Wal-Mart's negligence, as aforesaid, Plaintiff Tina M. Johnson was in good health, vivacious and fully capable of performing and actually did perform the usual duties of a wife; that prior to said accident Plaintiff Tina M. Johnson was a pleasing and loving wife to the Plaintiff Gino M. Johnson, and as a consequence thereof, Plaintiff Gino M. Johnson received much comfort and happiness in her society and companionship; that by reason of said injuries, Plaintiff Tina M. Johnson has been unable to perform the duties which she had theretofore performed for Plaintiff Gino M. Johnson and that as a result of Plaintiff Tina M. Johnson's injuries, Plaintiff Gino M. Johnson has been deprived of the companionship, company, consortium and services of his wife and his comfort and

happiness in her society and companionship have been greatly impaired, and because of the injuries to his wife, the Plaintiff Gino M. Johnson will continue to be deprived of the comfort, companionship, consortium and services usually and ordinarily provided by a wife in good health and of unimpaired vigor and strength. He will be deprived of her consortium for the rest of their lives, all of which have caused Plaintiff Gino M. Johnson great mental pain and anguish and damages.

XIII.

Plaintiffs allege that the aforesaid injuries and damages caused to Plaintiff Gino M. Johnson were the direct and proximate result of the carelessness, negligence and recklessness of the said Defendant Wal-Mart as aforesaid and that Plaintiff Gino M. Johnson is entitled to recover damages against said Defendant Wal-Mart herein for his loss of consortium.

**AD DAMNUM**

WHEREFORE, premises considered Plaintiffs Tina M. Johnson and husband Gino M. Johnson bring this suit for all damages of every kind and nature to which they may be entitled, and Plaintiffs demand judgment against the Defendants Wal-Mart Stores East, LP; John Does 1-5; and XYZ Corporations 1-5, jointly and severally as follows:

- (a) For an amount that will compensate the Plaintiff Tina M. Johnson for all damages for the personal injuries and permanent disability she has sustained, including loss of enjoyment of life.
- (b) For an amount that will compensate the Plaintiff Tina M. Johnson for all medical expenses she has incurred and she will likely incur in the future.

- (c) For an amount that will compensate the Plaintiff Tina M. Johnson for her past, present and future pain, suffering and mental anguish and hedonic damages.
- (d) For an amount that will compensate the Plaintiff Tina M. Johnson for her past, present and future lost wages.
- (e) For an amount that will compensate the Plaintiff Gino M. Johnson for his loss of consortium.
- (f) For all interest, costs of court, and other expenses incurred by the Plaintiffs in bringing this action.

Plaintiffs finally pray for a trial by jury.

Respectfully submitted,

TINA M. JOHNSON and husband GINO M.  
JOHNSON, PLAINTIFFS

By: 

L. O'Neal Williams, Jr.  
Of Counsel for Plaintiffs

L. O'NEAL WILLIAMS, JR. (MSB #7248) -  
[nealwilliams@wwmlawfirm.net](mailto:nealwilliams@wwmlawfirm.net)  
Cory M. Williams (MSB #102870)  
[corywilliams@wwmlawfirm.net](mailto:corywilliams@wwmlawfirm.net)  
WILLIAMS, WILLIAMS & MONTGOMERY, P.A.  
140 MAYFAIR ROAD, SUITE 1100  
HATTIESBURG, MS 39402  
TELEPHONE: (601) 271-7943  
FAX: (601) 271-7875  
ATTORNEYS FOR PLAINTIFFS

RETURN

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI

SECOND JUDICIAL DISTRICT

TINA M. JOHNSON and husband  
GINO M. JOHNSON

PLAINTIFFS

VERSUS

CIVIL ACTION NO. A2402-2021-048

WAL-MART STORES EAST, LP;  
JOHN DOES 1-5; and XYZ  
CORPORATIONS 1-5

DEFENDANTS

## SUMMONS

THE STATE OF MISSISSIPPI

TO: **WAL-MART STORES EAST, LP**, a foreign limited partnership organized and existing under the laws of the State of Delaware and qualified to do and is doing business in the State of Mississippi, through ***C T Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, MS 39232***, its registered agent for service of legal process.

## NOTICE TO DEFENDANT(S)

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.**

You are required to mail or hand-deliver a copy of a written response to the Complaint to **L. O'NEAL WILLIAMS, JR.**, the attorney for the Plaintiff(s), whose post office and street address is **140 Mayfair Road, Suite 1100, Hattiesburg, MS 39402**. Your response must be mailed or delivered within (30) days from the date of delivery of this summons and complaint or a judgment by default will be entered against you for the money or other things demanded in the complaint.

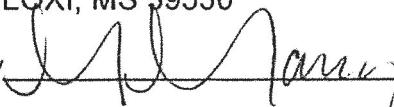
You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this 21<sup>st</sup> day of May, 2021.



CONNIE LADNER  
CIRCUIT CLERK, HARRISON COUNTY  
730 DR MARTIN LUTHER KING JR BLVD  
BILOXI, MS 39530

By

  
DEPUTY CLERK



IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT, CITY OF \_\_\_\_\_

Docket No. \_\_\_\_\_ - \_\_\_\_\_  
File Yr Chronological No. Clerk's Local ID

Docket No. If Filed  
 Prior to 1/1/94 \_\_\_\_\_

**PLAINTIFFS IN REFERENCED CAUSE - Page 1 of \_\_\_\_ Plaintiffs Pages  
 IN ADDITION TO PLAINTIFF SHOWN ON CIVIL CASE FILING FORM COVER SHEET**

**Plaintiff #2:**

**Individual:** JOHNSON GINO (\_\_\_\_\_) M.  
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

\_\_\_\_ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

\_\_\_\_ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A \_\_\_\_\_

**Business** \_\_\_\_\_  
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_\_ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A \_\_\_\_\_

ATTORNEY FOR THIS PLAINTIFF: 7248 Bar # or Name: L. O'Neal Williams, Jr. Pro Hac Vice (✓) Not an Attorney(✓) \_\_\_\_\_

**Plaintiff #3:**

**Individual:** \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

\_\_\_\_ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

\_\_\_\_ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A \_\_\_\_\_

**Business** \_\_\_\_\_  
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_\_ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A \_\_\_\_\_

ATTORNEY FOR THIS PLAINTIFF: \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) Not an Attorney(✓) \_\_\_\_\_

**Plaintiff #4:**

**Individual:** \_\_\_\_\_ (\_\_\_\_\_) \_\_\_\_\_  
Last Name First Name Maiden Name, if Applicable Middle Init. Jr/Sr/III/IV

\_\_\_\_ Check (✓) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:

Estate of \_\_\_\_\_

\_\_\_\_ Check (✓) if Individual Plaintiff is acting in capacity as Business Owner/Operator (D/B/A) or State Agency, and enter that name below:

D/B/A \_\_\_\_\_

**Business** \_\_\_\_\_  
Enter legal name of business, corporation, partnership, agency - If Corporation, indicate state where incorporated

\_\_\_\_ Check (✓) if Business Plaintiff is filing suit in the name of an entity other than the name above, and enter below:

D/B/A \_\_\_\_\_

ATTORNEY FOR THIS PLAINTIFF: \_\_\_\_\_ Bar # or Name: \_\_\_\_\_ Pro Hac Vice (✓) Not an Attorney(✓) \_\_\_\_\_



**WILLIAMS, WILLIAMS & MONTGOMERY, P.A.**

**ATTORNEYS AT LAW**

140 Mayfair Road  
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Hattiesburg, MS 39402

TELEPHONE: (601) 271-7943  
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POPLARVILLE

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E. Bragg Williams, III  
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109 W. Erlanger Street  
P.O. Box 113  
Poplarville, MS 39470

HATTIESBURG

L. O'Neal Williams, Jr.  
Cory M. Williams

E. B. Williams 1890-1976  
E. B. Williams, Jr. 1917-1990  
Lampton O. Williams 1918-2015

March 12, 2021

Honorable Connie Ladner  
Circuit Clerk, Harrison County  
730 Dr Martin Luther King Jr Blvd  
Biloxi, MS 39530

Re: Tina M. Johnson and husband Gino M. Johnson vs. Wal-Mart Stores  
East, LP, *et al.*

Dear Ms. Ladner:

In connection with the above-captioned claim, we enclose the following:

- Original Complaint - Please file the original.
- Civil Cover Sheet
- Our firm check in the amount of \$166.00 as court costs

We are not issuing process at this time.

Thank you for your attention to our requests.

Yours very truly,

WILLIAMS, WILLIAMS & MONTGOMERY, P.A.

By: /s/ L. O'Neal Williams, Jr.  
L. O'Neal Williams, Jr.

LOW,JR:jas  
Enclosures





<b>COVER SHEET</b>		<b>Court Identification Docket #</b>		<b>Case Year</b>	<b>Docket Number</b>
<b>Civil Case Filing Form</b> (To be completed by Attorney/Party Prior to Filing of Pleading)		<div style="border: 1px solid black; padding: 2px;">24</div> <div style="border: 1px solid black; padding: 2px;">2</div> <div style="border: 1px solid black; padding: 2px;">CI</div>	<div style="border: 1px solid black; padding: 2px;">2021</div>	<div style="border: 1px solid black; padding: 2px;">00048</div>	<div style="border: 1px solid black; padding: 2px;">CLS</div>
		<div style="border: 1px solid black; padding: 2px;">031521</div>			
		<div style="border: 1px solid black; padding: 2px;">Month Date Year</div>			
Mississippi Supreme Court Administrative Office of Courts		Form AOC/01 (Rev 2016)		Case Number If filed prior to 1/1/94	
In the <u>CIRCUIT</u>		Court of <u>HARRISON</u>		County — <u>SECOND</u>	Judicial District
<b>Origin of Suit (Place an "X" in one box only)</b> <div style="display: flex; justify-content: space-between;"> <div> <input checked="" type="checkbox"/> Initial Filing  <input type="checkbox"/> Remanded         </div> <div> <input type="checkbox"/> Reinstated  <input type="checkbox"/> Reopened         </div> <div> <input type="checkbox"/> Foreign Judgment Enrolled  <input type="checkbox"/> Joining Suit/Action         </div> <div> <input type="checkbox"/> Transfer from Other court  <input type="checkbox"/> Appeal         </div> <div> <input type="checkbox"/> Other         </div> </div>					
<b>Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form</b> <b>Individual</b> <u>JOHNSON</u> Last Name <u>TINA</u> First Name <u>M.</u> Maiden Name, if applicable <u>M.I.</u> Jr/Sr/III/IV <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Check ( x ) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____  <input type="checkbox"/> Check ( x ) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency _____         </div> </div>					
<b>Business</b> _____ Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated <input type="checkbox"/> Check ( x ) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below: D/B/A _____					
<b>Address of Plaintiff</b> <u>15352 Sugarcane Cove, Gulfport, MS 39503</u>					
<b>Attorney (Name &amp; Address)</b> <u>L. O'Neal Williams, Jr. 140 Mayfair Rd. Ste 1100, Hattiesburg, MS 39402</u> <b>MS Bar No.</b> <u>7248</u> <input type="checkbox"/> Check ( x ) if Individual Filing Initial Pleading is NOT an attorney <b>Signature of Individual Filing:</b> _____					
<b>Defendant - Name of Defendant - Enter Additional Defendants on Separate Form</b> <b>Individual</b> _____ Last Name _____ First Name _____ Maiden Name, if applicable _____ M.I. _____ Jr/Sr/III/IV <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Check ( x ) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style: Estate of _____  <input type="checkbox"/> Check ( x ) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity: D/B/A or Agency _____         </div> </div>					
<b>Business</b> <u>WAL-MART STORES EAST, LP, a Delaware limited partnership</u> Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated <input type="checkbox"/> Check ( x ) if Business Defendant is acting in the name of an entity other than the above, and enter below: D/B/A _____					
<b>Attorney (Name &amp; Address) - If Known</b> _____ <b>MS Bar No.</b> _____					
<input type="checkbox"/> Check ( x ) if child support is contemplated as an issue in this suit.* *If checked, please submit completed Child Support Information Sheet with this Cover Sheet					
<b>Nature of Suit (Place an "X" in one box only)</b>					
<b>Domestic Relations</b> <input type="checkbox"/> Child Custody/Visitation <input type="checkbox"/> Child Support <input type="checkbox"/> Contempt <input type="checkbox"/> Divorce: Fault <input type="checkbox"/> Divorce: Irreconcilable Diff. <input type="checkbox"/> Domestic Abuse <input type="checkbox"/> Emancipation <input type="checkbox"/> Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Property Division <input type="checkbox"/> Separate Maintenance <input type="checkbox"/> Term. of Parental Rights-Chancery <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) <input type="checkbox"/> Other _____	<b>Business/Commercial</b> <input type="checkbox"/> Accounting (Business) <input type="checkbox"/> Business Dissolution <input type="checkbox"/> Debt Collection <input type="checkbox"/> Employment <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Replevin <input type="checkbox"/> Other _____	<b>Children/Minors - Non-Domestic</b> <input type="checkbox"/> Adoption - Contested <input type="checkbox"/> Adoption - Uncontested <input type="checkbox"/> Consent to Abortion <input type="checkbox"/> Minor Removal of Minority <input type="checkbox"/> Other _____	<b>Civil Rights</b> <input type="checkbox"/> Elections <input type="checkbox"/> Expungement <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Post Conviction Relief/Prisoner <input type="checkbox"/> Other _____	<b>Contract</b> <input type="checkbox"/> Breach of Contract <input type="checkbox"/> Installment Contract <input type="checkbox"/> Insurance <input type="checkbox"/> Specific Performance <input type="checkbox"/> Other _____	<b>Real Property</b> <input type="checkbox"/> Adverse Possession <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Eviction <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Lien Assertion <input type="checkbox"/> Partition <input type="checkbox"/> Tax Sale: Confirm/Cancel <input type="checkbox"/> Title Boundary or Easement <input type="checkbox"/> Other _____
<b>Appeals</b> <input type="checkbox"/> Administrative Agency <input type="checkbox"/> County Court <input type="checkbox"/> Hardship Petition (Driver License) <input type="checkbox"/> Justice Court <input type="checkbox"/> MS Dept Employment Security <input type="checkbox"/> Municipal Court <input type="checkbox"/> Other _____	<b>Probate</b> <input type="checkbox"/> Accounting (Probate) <input type="checkbox"/> Birth Certificate Correction <input type="checkbox"/> Mental Health Commitment <input type="checkbox"/> Conservatorship <input type="checkbox"/> Guardianship <input type="checkbox"/> Heirship <input type="checkbox"/> Intestate Estate <input type="checkbox"/> Minor's Settlement <input type="checkbox"/> Muniment of Title <input type="checkbox"/> Name Change <input type="checkbox"/> Testate Estate <input type="checkbox"/> Will Contest	<b>Statutes/Rules</b> <input type="checkbox"/> Bond Validation <input type="checkbox"/> Civil Forfeiture <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Injunction or Restraining Order <input type="checkbox"/> Other _____	<b>Torts</b> <input type="checkbox"/> Bad Faith <input type="checkbox"/> Fraud <input type="checkbox"/> Intentional Tort <input type="checkbox"/> Loss of Consortium <input type="checkbox"/> Malpractice - Legal <input type="checkbox"/> Malpractice - Medical <input type="checkbox"/> Mass Tort <input type="checkbox"/> Negligence - General <input type="checkbox"/> Negligence - Motor Vehicle <input checked="" type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability <input type="checkbox"/> Subrogation <input type="checkbox"/> Wrongful Death		

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You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and seal of said Court, this 21<sup>st</sup> day of May, 2021.



CONNIE LADNER  
CIRCUIT CLERK, HARRISON COUNTY  
730 DR MARTIN LUTHER KING JR BLVD  
BILOXI, MS 39530

By

DEPUTY CLERK  
Page 1 of 2



PROOF OF SERVICE - SUMMONS  
(Process Server)

WAL-MART STORES EAST, LP through C T Corporation System, 645 Lakeland East Drive, Suite 101,  
Flowood, MS 39232

Name of Person or Entity Served

i, the undersigned process server, served the summons and complaint upon the person or entity named above in the manner set forth below (process server must check proper space and provide all additional information that is requested and pertinent to the mode of service used):

\_\_\_\_ FIRST CLASS MAIL AND ACKNOWLEDGMENT SERVICE. By mailing (by first class mail, postage prepaid) copies to person served, together with copies of the form of notice and acknowledgment and return envelope, postage prepaid, addressed to the sender (Attach completed acknowledgment of receipt pursuant to M.R.C.P. Form 1B).

\_\_\_\_ PERSONAL SERVICE. I personally delivered copies to \_\_\_\_\_  
on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_ RESIDENCE SERVICE. After exercising reasonable diligence I was unable to deliver copies to said person within \_\_\_\_\_. I served the summons and complaint on the \_\_\_\_ day of \_\_\_\_\_, 2021, at the usual place of abode of said person by leaving a true copy of the summons and complaint with \_\_\_\_\_ who is the \_\_\_\_\_ (here insert wife, husband, son, daughter or other person as the case may be), a member of the family of the person served above the age of sixteen years and willing to receive the summons and complaint, and thereafter on the \_\_\_\_ day of \_\_\_\_\_, 2021, I mailed (by first class mail, postage prepaid) copies to the person served at his or her usual place of abode where the copies were left.

\_\_\_\_ CERTIFIED MAIL SERVICE. By mailing to an address outside Mississippi (by first class mail, postage prepaid, requiring a return receipt) copies to the person served. (Attach signed return receipt or other evidence of actual delivery to the person served.)

At the time of service I was at least 18 years of age and not a party to this action.

Fee for service: \$ \_\_\_\_\_

Process server must list below: [Please print or type]

Name \_\_\_\_\_

Address \_\_\_\_\_

Telephone No. \_\_\_\_\_

STATE OF MISSISSIPPI  
COUNTY OF LAMAR

Personally appeared before me the undersigned authority in and for the state and county aforesaid, the within named \_\_\_\_\_ who being first by me duly sworn states on oath that the matters and facts set forth in the foregoing "Proof of Service-Summons" are true and correct as therein stated.

\_\_\_\_\_  
Process server (signature)

Sworn to and subscribed before me this the \_\_\_\_ day of \_\_\_\_\_, 2021.



IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT

TINA M. JOHNSON and husband  
GINO M. JOHNSON

PLAINTIFFS

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WAL-MART STORES EAST, LP;  
JOHN DOES 1-5; and XYZ  
CORPORATIONS 1-5

DEFENDANTS

**NOTICE OF SERVICE OF DISCOVERY PAPERS**

I, L. O'Neal Williams, Jr., of counsel for the Plaintiffs, pursuant to Rule 5(d) of the Mississippi Rules of Civil Procedure, hereby certify to the Court that I have this day mailed by U.S. Mail, postage prepaid, true and correct copies of the following discovery papers:

- (1) *First Set of Interrogatories Propounded to Defendant Wal-Mart Stores East, LP;*
- (2) *First Set of Requests for Production of Documents Propounded to Defendant Wal-Mart Stores East, LP; and*
- (3) *Requests for Admissions and Related Interrogatories Propounded to Defendant Wal-Mart Stores East, LP.*

to: **W. PEMBLE DELASHMET  
DELASHMET & MARCHAND, P.C.  
P. O. Box 2047  
Mobile, AL 36652  
Attorney for Defendant**

This the 18<sup>th</sup> day of June, 2021.

Respectfully submitted,

By: /s/ L. O'Neal Williams, Jr.  
L. O'Neal Williams, Jr.  
Attorney for Plaintiffs



L. O'NEAL WILLIAMS, JR. (MSB #7248) -  
[nealwilliams@wwmlawfirm.net](mailto:nealwilliams@wwmlawfirm.net)  
CORY M. WILLIAMS (MSB #102870)  
[corywilliams@wwmlawfirm.net](mailto:corywilliams@wwmlawfirm.net)  
WILLIAMS, WILLIAMS & MONTGOMERY, P.A.  
140 MAYFAIR ROAD, SUITE 1100  
HATTIESBURG, MS 39402  
TELEPHONE: (601) 271-7943  
Fax: (601) 271-7875  
ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE**

I, L. O'NEAL WILLIAMS, JR., of counsel for the Plaintiffs hereby certify that on June 18, 2021, I electronically filed the foregoing with the Clerk of the Court using the MEC system which sent notification of such filing to:

**W. PEMBLE DELASHMET  
DELASHMET & MARCHAND, P.C.  
P. O. Box 2047  
Mobile, AL 36652  
Attorney for Defendant**

This the 18<sup>th</sup> day of June, 2021.

/s/ L. O'Neal Williams, Jr.  
L. O'Neal Williams, Jr.



IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT

TINA M. JOHNSON and husband  
GINO M. JOHNSON

PLAINTIFFS

VERSUS

CIVIL ACTION NO. A2402-2021-048

WAL-MART STORES EAST, LP;  
JOHN DOES 1-5; and XYZ  
CORPORATIONS 1-5

DEFENDANTS

**NOTICE OF SERVICE OF DISCOVERY PAPERS**

I, L. O'Neal Williams, Jr., of counsel for the Plaintiffs, pursuant to Rule 5(d) of the Mississippi Rules of Civil Procedure, hereby certify to the Court that I have this day mailed by U.S. Mail, postage prepaid, true and correct copies of the following discovery papers:

- (1) *First Set of Interrogatories Propounded to Defendant Wal-Mart Stores East, LP;*
- (2) *First Set of Requests for Production of Documents Propounded to Defendant Wal-Mart Stores East, LP; and*
- (3) *Requests for Admissions and Related Interrogatories Propounded to Defendant Wal-Mart Stores East, LP.*

to: **W. PEMBLE DELASHMET  
DELASHMET & MARCHAND, P.C.  
P. O. Box 2047  
Mobile, AL 36652  
Attorney for Defendant**

This the 18<sup>th</sup> day of June, 2021.

Respectfully submitted,

By: /s/ L. O'Neal Williams, Jr.  
L. O'Neal Williams, Jr.  
Attorney for Plaintiffs

L. O'NEAL WILLIAMS, JR. (MSB #7248) -  
[nealwilliams@wwmlawfirm.net](mailto:nealwilliams@wwmlawfirm.net)  
CORY M. WILLIAMS (MSB #102870)  
[corywilliams@wwmlawfirm.net](mailto:corywilliams@wwmlawfirm.net)  
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140 MAYFAIR ROAD, SUITE 1100  
HATTIESBURG, MS 39402  
TELEPHONE: (601) 271-7943  
Fax: (601) 271-7875  
ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE**

I, L. O'NEAL WILLIAMS, JR., of counsel for the Plaintiffs hereby certify that on June 18, 2021, I electronically filed the foregoing with the Clerk of the Court using the MEC system which sent notification of such filing to:

**W. PEMBLE DELASHMET  
DELASHMET & MARCHAND, P.C.  
P. O. Box 2047  
Mobile, AL 36652  
Attorney for Defendant**

This the 18<sup>th</sup> day of June, 2021.

/s/ L. O'Neal Williams, Jr.  
L. O'Neal Williams, Jr.

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT

TINA M. JOHNSON and husband  
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PLAINTIFFS

VERSUS

CIVIL ACTION NO. A2402-2021-048

WAL-MART STORES EAST, LP;  
JOHN DOES 1-5; and XYZ  
CORPORATIONS 1-5

DEFENDANTS

**NOTICE OF SERVICE OF DISCOVERY PAPERS**

I, L. O'Neal Williams, Jr., of counsel for the Plaintiffs, pursuant to Rule 5(d) of the Mississippi Rules of Civil Procedure, hereby certify to the Court that I have this day mailed by U.S. Mail, postage prepaid, true and correct copies of the following discovery papers:

- (1) *First Set of Interrogatories Propounded to Defendant Wal-Mart Stores East, LP;*
- (2) *First Set of Requests for Production of Documents Propounded to Defendant Wal-Mart Stores East, LP; and*
- (3) *Requests for Admissions and Related Interrogatories Propounded to Defendant Wal-Mart Stores East, LP.*

to: **W. PEMBLE DELASHMET  
DELASHMET & MARCHAND, P.C.  
P. O. Box 2047  
Mobile, AL 36652  
Attorney for Defendant**

This the 18<sup>th</sup> day of June, 2021.

Respectfully submitted,

By: /s/ L. O'Neal Williams, Jr.  
L. O'Neal Williams, Jr.  
Attorney for Plaintiffs

L. O'NEAL WILLIAMS, JR. (MSB #7248) -  
[nealwilliams@wwmlawfirm.net](mailto:nealwilliams@wwmlawfirm.net)  
CORY M. WILLIAMS (MSB #102870)  
[corywilliams@wwmlawfirm.net](mailto:corywilliams@wwmlawfirm.net)  
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140 MAYFAIR ROAD, SUITE 1100  
HATTIESBURG, MS 39402  
TELEPHONE: (601) 271-7943  
Fax: (601) 271-7875  
ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE**

I, L. O'NEAL WILLIAMS, JR., of counsel for the Plaintiffs hereby certify that on June 18, 2021, I electronically filed the foregoing with the Clerk of the Court using the MEC system which sent notification of such filing to:

**W. PEMBLE DELASHMET  
DELASHMET & MARCHAND, P.C.  
P. O. Box 2047  
Mobile, AL 36652  
Attorney for Defendant**

This the 18<sup>th</sup> day of June, 2021.

/s/ L. O'Neal Williams, Jr.  
L. O'Neal Williams, Jr.



IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT

TINA M. JOHNSON  
GINO M. JOHNSON,

Plaintiff,

vs.

WAL-MART STORES EAST, LP  
JOHN DOES 1-5  
XYZ CORPORATIONS 1 -5

Defendants.

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CASE NO. A2402-2021-00048

**ANSWER**

COMES NOW the Defendant, WAL-MART STORES EAST, L.P. (hereinafter "Wal-Mart"), and files this its Answer with each numbered paragraph corresponding to each numbered paragraph in Plaintiffs' Complaint as follows:

I.

Wal-Mart is without knowledge and information sufficient to form a belief as to Plaintiffs' residency, but at this time admits same.

II.

Wal-Mart Stores East, L.P. admits it is a foreign limited partnership authorized to do business in Mississippi and may be served via its registered agent.

III.

As this paragraph is not directed toward Wal-Mart, no response thereto is required. To the extent this paragraph asserts or implies allegations against Wal-Mart, the same are denied.

IV.

Wal-Mart admits that the amount in controversy as stated in Plaintiffs' Complaint is within this Court's jurisdictional limits, and that, at the present time, the Circuit Court of Harrison County, Mississippi, has subject matter jurisdiction over this matter at this time. Wal-Mart denies that Plaintiff is entitled to any recovery in this matter.

V.

Wal-Mart admits that at all times pertinent herein, it operated the premises where this incident allegedly occurred in D'Iberville, Mississippi. Wal-Mart further admits the store where this incident occurred is a retail establishment engaged in, among other things, the business of selling merchandise to the general public. Wal-Mart denies the remaining allegations of this paragraph and demands strict proof thereof.

VI.

Wal-Mart admits that the law imposes certain duties upon it as the operator of a retail establishment, which laws speak for themselves. Wal-Mart denies the remaining allegations contained in paragraph VI of the Plaintiff's Complaint and demands strict proof thereof.

**COUNT ONE**

**VII.**

Wal-Mart admits that on March 19, 2018, Plaintiff was present on its premises in D'Iberville, Mississippi. Wal-Mart is without knowledge and information sufficient to form a belief as to the purpose of Plaintiff's presence on its premises, or Plaintiff's status while she was on its premises; therefore, Wal-Mart must currently deny Plaintiff was an "invitee" and demand strict proof thereof. Wal-Mart admits that the law imposes certain duties upon it as the operator of a retail establishment, which laws speak for themselves. Wal-Mart is without knowledge and information sufficient to form a belief as to the allegations concerning Plaintiff's medical condition, including her alleged injuries, and, therefore, must deny the same and demand strict proof thereof. Wal-Mart denies the remaining allegations contained in paragraph VII of the Plaintiff's Complaint and demands strict proof thereof.

**VIII.**

Wal-Mart is without knowledge and information sufficient to form a belief as to the allegations concerning how this incident occurred, or Plaintiff's medical condition, including her alleged injuries, and, therefore, must deny the same and demand strict proof thereof. Wal-Mart denies the remaining allegations contained in paragraph VIII of the Plaintiff's Complaint, and specifically denies it was negligent, or that a dangerous or unsafe condition existed on its premises and demands strict proof thereof.

**IX.**

Wal-Mart denies any and all negligence on its part and further denies that it "proximately caused or proximately contributed" to Plaintiff's alleged injuries and demands strict proof thereof. Wal-Mart

denies it failed to perform any legal duty owed to plaintiff, and specifically denies the allegations numbered (A) – (D) in paragraph IX of Plaintiff's Complaint and demands strict proof thereof. Wal-Mart denies the remaining allegations contained in paragraph IX of the Plaintiff's Complaint and demands strict proof thereof.

X.

Wal-Mart denies any and all negligence on its part and further denies that it proximately caused or proximately contributed to Plaintiff's alleged injuries and demands strict proof thereof. Wal-Mart is without knowledge and information sufficient to form a belief as to the allegations concerning Plaintiff's medical condition, alleged injuries, or alleged damages, and, therefore, must deny the same and demand strict proof thereof. Wal-Mart denies the remaining allegations contained in paragraph X of the Plaintiff's Complaint and demands strict proof thereof.

XI.

Wal-Mart denies the allegations of paragraph XI and demands strict proof thereof.

## **COUNT TWO**

XII.

Wal-Mart adopts hereby and incorporates by reference the foregoing paragraphs the same as though fully repeated herein. Wal-Mart denies any and all negligence on its part and further denies that it proximately caused or proximately contributed to Plaintiffs' alleged injuries and demands strict proof thereof. Wal-Mart is without knowledge and information sufficient to form a belief as to the allegations Plaintiff's medical condition, pre or post incident, or details related to the Plaintiff's marital relationship



and, therefore, must deny the same and demand strict proof thereof. Wal-Mart denies the remaining allegations contained in paragraph XII of the Plaintiff's Complaint and demands strict proof thereof.

### XIII

Wal-Mart denies any and all negligence on its part and further denies that it proximately caused or proximately contributed to Plaintiff's alleged injuries and demands strict proof thereof. Wal-Mart denies the remaining allegations contained in paragraph XIII of the Plaintiff's Complaint and demands strict proof thereof.

### AD DAMNUM

As to the unnumbered paragraph below paragraph XIII which begins "WHEREFORE," Wal-Mart denies all allegations of this paragraph, including all allegations in subparts (a) through (f), and denies that the Plaintiffs are entitled to any recovery and demands strict proof thereof.

### AFFIRMATIVE DEFENSES

1. Defendant denies each and every material allegation of Plaintiffs' Complaint not otherwise addressed and demands strict proof thereof.
2. Plaintiff was guilty of negligence that caused or contributed to cause the injuries about which she complains and, therefore, under Mississippi law, she is barred from recovery or her recovery should be reduced proportionately.
3. The alleged hazard about which Plaintiff complains was open and obvious thereby obviating a duty to warn and precluding Plaintiff from recovering damages under Mississippi law.

4. Defendant did not have notice of the alleged hazard about which Plaintiff, complains and, therefore, under Mississippi law, Defendant owed Plaintiff no duty to eliminate or warn of the alleged hazard.

5. No act or omissions of this Defendant was the proximate cause of any injury to Plaintiffs.

6. Defendant owed Plaintiffs no duty as alleged, the breach of which caused or contributed to the cause of the Plaintiffs' injuries.

7. Plaintiffs' injuries and damages were the result of an intervening and/or superseding cause; therefore, Plaintiffs should not recover from Defendant.

8. Defendant respectfully demands credit for any and all monies paid to, or on behalf of, Plaintiffs from any and all collateral sources.

9. Plaintiffs, in whole or in part, failed to mitigate their alleged damages and, therefore, are precluded from recovery.

10. Plaintiffs' alleged damages are the result of a condition and/or injury which predates the incident made the basis of his Complaint and having no causal relationship with this defendant.

11. Defendant reserves the right to add and/or supplement these affirmative defenses as discovery in this matter has not yet begun.

**DEFENDANT DEMANDS TRIAL BY STRUCK JURY**

/s/ W. Pemble DeLashmet

W. PEMBLE DELASHMET (MS 8840)

wpd@delmar-law.com

CHAD C. MARCHAND (MS 102752)

ccm@delmar-law.com

MIGNON M. DELASHMET (MS 2896)

mmd@delmar-law.com

Attorneys for Defendant Wal-Mart Stores East, LP

OF COUNSEL:

DELASHMET & MARCHAND, P.C.  
Post Office Box 2047  
Mobile, AL 36652

Tax ID 20-5457973  
Telephone: (251) 433-1577  
Facsimile: (251) 433-1578

CERTIFICATE OF SERVICE

I hereby certify that I have on this 25<sup>th</sup> day of June 2021 served a copy of the foregoing pleading upon counsel as listed below by depositing the same in the U. S. Mail, postage prepaid and properly addressed.

L. O'Neal Williams, Jr.  
Williams, Williams & Montgomery, P.A.  
140 Mayfair Rd, Suite 1100  
Hattiesburg, MS 39402

/s/ W. Pemble DeLashmet  
OF COUNSEL

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT

TINA M. JOHNSON  
GINO M. JOHNSON,

Plaintiff,

vs.

WAL-MART STORES EAST, LP  
JOHN DOES 1-5  
XYZ CORPORATIONS 1 -5

Defendants.

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CASE NO. A2402-2021-00048

**NOTICE OF SERVICE**

COMES NOW Defendant, WAL-MART STORES EAST, LP, (Wal-Mart) and hereby gives notice to the Court that the following has been served on Plaintiff:

1. Wal-Mart's First set of Interrogatories and Requests for Production of Documents to Plaintiff.
2. Wal-Mart's Requests for Admissions and Second Requests for Production of Documents to Plaintiff.

s/ W. Pemble DeLashmet

W. PEMBLE DELASHMET (DEL010)

wpd@delmar-law.com

CHAD C. MARCHAND (MAR 136)

ccm@delmar-law.com

MIGNON M. DELASHMET (DEL011)

mmd@delmar-law.com

Attorneys for Defendant Wal-Mart Stores East, LP

OF COUNSEL:

DELASHMET & MARCHAND, P.C.  
Post Office Box 2047  
Mobile, AL 36652  
Telephone: (251) 433-1577  
Facsimile: (251) 433-1578



CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document by Notice of Electronic Filing, or by U.S. First Class Mail, hand delivery, fax or email on this the 25<sup>th</sup> day of June 2021.

L. O'Neal Williams, Jr.  
Williams, Williams & Montgomery, P.A.  
140 Mayfair Rd, Suite 1100  
Hattiesburg, MS 39402

s/ W. Pemble DeLashmet

OF COUNSEL

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT**

TINA M. JOHNSON  
GINO M. JOHNSON,

Plaintiff,

vs.

WAL-MART STORES EAST, LP  
JOHN DOES 1-5  
XYZ CORPORATIONS 1 -5

Defendants.

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CASE NO. A2402-2021-00048

**NOTICE OF APPEARANCE**

Comes now, KEITH B. FRANKLIN of DeLashmet & Marchand, P.C., Post Office Box 2047, Mobile, Alabama 36652, (251) 433-1577, and notifies the Clerk of the Court and counsel for all parties of his appearance as counsel of record on behalf of Defendant WALMART STORES EAST L.P. The undersigned requests the Clerk of the Court and counsel for all parties to serve him with copies of all future notices, pleadings, orders, etc., in this case.

/s/ Keith B. Franklin

W. PEMBLE DELASHMET (MS8840)

wpd@delmar-law.com

CHAD C. MARCHAND (MS 102752)

ccm@delmar-law.com

KEITH B. FRANKLIN (MS 105376)

kbf@delmar-law.com

MIGNON M. DELASHMET (MS 2896)

mmd@delmar-law.com

*Attorneys for Defendant Wal-Mart Stores East, LP*

OF COUNSEL:

DELASHMET & MARCHAND, P.C.

Post Office Box 2047

Mobile, AL 36652

Telephone: (251) 433-1577

Facsimile: (251) 433-7994

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document by electronically filing same with the E-File court system upon undersigned counsel on this the 14<sup>th</sup> day of July, 2021.

L. O'Neal Williams, Jr.

Williams, Williams & Montgomery, P.A.

140 Mayfair Rd, Suite 1100

Hattiesburg, MS 39402

/s/ Keith B. Franklin

OF COUNSEL

**IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT**

TINA M. JOHNSON  
GINO M. JOHNSON,

Plaintiff,

vs.

WAL-MART STORES EAST, LP  
JOHN DOES 1-5  
XYZ CORPORATIONS 1 -5

Defendants.

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CASE NO. A2402-2021-00048

**REQUEST TO SERVE SUBPOENAS ON NON-PARTIES**

Take notice that upon the expiration of fifteen (15) days (or such other time as the court has allowed) from the date of service of this notice, Defendant Wal-Mart Stores East, L.P., will apply to the clerk of this Court for issuance of subpoenas to be directed to the non-parties whose addresses are listed below to produce the documents and/or things identified in said subpoenas, at the time and place specified therein:

BCBS of Mississippi  
ATTN: Custodian of Records  
3545 Lakeland Drive  
Flowood, MS 39232

Encore Rehabilitation of Gulfport- Orange Grove  
ATTN: Custodian of Records  
15476 Dedeaux Rd. # A  
Gulfport, MS 39503

Memorial Hospital at Gulfport  
ATTN: Custodian of Records  
4500 Thirteenth Street  
Gulfport, MS 39501

Singing River Hospital Systems  
ATTN: Custodian of Records  
2809 Denny Ave.  
Pascagoula, MS 39501



Respectfully submitted,

/s/ Keith B. Franklin  
W. PEMBLE DELASHMET (MS 8840)  
wpd@delmar-law.com  
CHAD C. MARCHAND (MS 102752)  
ccm@delmar-law.com  
MIGNON M. DELASHMET (MS 2896)  
mmd@delmar-law.com  
KEITH B. FRANKLIN (MS 105376)  
kbf@delmar-law.com  
*Attorneys for Defendant Wal-Mart Stores  
East, LP*

OF COUNSEL:

DELASHMET & MARCHAND, P.C.  
Post Office Box 2047  
Mobile, AL 36652  
Tax ID 20-5457973  
Telephone: (251) 433-1577  
Facsimile: (251) 433-7994

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this 15<sup>th</sup> day of July 2021 served a copy of the foregoing pleading upon counsel as listed below by depositing the same in the U. S. Mail, postage prepaid and properly addressed.

L. O'Neal Williams, Jr.  
Williams, Williams & Montgomery, P.A.  
140 Mayfair Rd, Suite 1100  
Hattiesburg, MS 39402

/s/ Keith B. Franklin  
OF COUNSEL

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT

TINA M. JOHNSON and husband  
GINO M. JOHNSON

PLAINTIFFS

VERSUS

CIVIL ACTION NO. A2402-2021-048

WAL-MART STORES EAST, LP;  
JOHN DOES 1-5; and XYZ  
CORPORATIONS 1-5

DEFENDANTS

**NOTICE OF SERVICE OF DISCOVERY PAPERS**

I, L. O'Neal Williams, Jr., of counsel for the Plaintiffs, pursuant to Rule 5(d) of the Mississippi Rules of Civil Procedure, hereby certify to the Court that I have this day mailed by U.S. Mail, postage prepaid, true and correct copies of the following discovery papers:

*Responses to Requests for Admissions and Second Requests for Production from Defendant Wal-Mart of Plaintiff*

to: **W. PEMBLE DELASHMET  
DELASHMET & MARCHAND, P.C.  
P. O. Box 2047  
Mobile, AL 36652  
Attorney for Defendant**

This the 22<sup>nd</sup> day of July, 2021.

Respectfully submitted,

By: /s/ L. O'Neal Williams, Jr.  
L. O'Neal Williams, Jr.  
Attorney for Plaintiffs

L. O'NEAL WILLIAMS, JR. (MSB #7248) -  
[nealwilliams@wwmlawfirm.net](mailto:nealwilliams@wwmlawfirm.net)  
CORY M. WILLIAMS (MSB #102870)  
[corywilliams@wwmlawfirm.net](mailto:corywilliams@wwmlawfirm.net)  
WILLIAMS, WILLIAMS & MONTGOMERY, P.A.  
140 MAYFAIR ROAD, SUITE 1100

HATTIESBURG, MS 39402  
TELEPHONE: (601) 271-7943  
Fax: (601) 271-7875  
ATTORNEYS FOR PLAINTIFFS

**CERTIFICATE**

I, L. O'NEAL WILLIAMS, JR., of counsel for the Plaintiffs hereby certify that on July 1, 2021, I electronically filed the foregoing with the Clerk of the Court using the MEC system which sent notification of such filing to:

**W. PEMBLE DELASHMET  
DELASHMET & MARCHAND, P.C.  
P. O. Box 2047  
Mobile, AL 36652  
Attorney for Defendant**

This the 22<sup>nd</sup> day of July, 2021.

/s/ L. O'Neal Williams, Jr.  
L. O'Neal Williams, Jr.

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT

TINA M. JOHNSON  
GINO M. JOHNSON,

Plaintiff,

vs.

WAL-MART STORES EAST, LP  
JOHN DOES 1-5  
XYZ CORPORATIONS 1 -5

Defendants.

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CASE NO. A2402-2021-00048

**NOTICE OF SERVICE**

COMES NOW Defendants, WAL-MART STORES EAST, LP, (Wal-Mart) and hereby gives notice to the Court that the following has been served on Plaintiff:

1. Defendant Wal-Mart's Responses to Plaintiff's Request for Admissions and Related Interrogatories.

*s/ W. Pemble DeLashmet*

W. PEMBLE DELASHMET (MS 8840)

wpd@delmar-law.com

CHAD C. MARCHAND (MS 102752)

ccm@delmar-law.com

MIGNON M. DELASHMET (MS 2896)

mmd@delmar-law.com

JOHN A. PIAZZA (MS 100333)

jap@delmar-law.com

*Attorneys for Defendants Wal-Mart Stores East, LP  
and Walmart, Inc.*

OF COUNSEL:

DELASHMET & MARCHAND, P.C.

Post Office Box 2047

Mobile, AL 36652

Telephone: (251) 433-1577



Facsimile: (251) 433-7994

CERTIFICATE OF SERVICE

I hereby certify that I have on this 5th day of August 2021, served a copy of the foregoing pleading upon counsel as listed below by depositing the same in the U. S. Mail, postage prepaid and properly addressed

Christopher Van Cleave  
Van Cleave Law, PA  
146 Porter Avenue  
Biloxi, MS 39530

/s/ W. Pemble DeLashmet  
OF COUNSEL

IN THE CIRCUIT COURT OF HARRISON COUNTY, MISSISSIPPI  
SECOND JUDICIAL DISTRICT

TINA M. JOHNSON  
GINO M. JOHNSON,

Plaintiff,

vs.

WAL-MART STORES EAST, LP  
JOHN DOES 1-5  
XYZ CORPORATIONS 1 -5

Defendants.

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CASE NO. A2402-2021-00048

**AMENDED NOTICE OF SERVICE**

COMES NOW Defendants, WAL-MART STORES EAST, LP, (Wal-Mart) and hereby gives notice to the Court that the following has been served on Plaintiff:

1. Defendant Wal-Mart's Responses to Plaintiff's Request for Admissions and Related Interrogatories.

s/ W. Pemble DeLashmet

W. PEMBLE DELASHMET (MS 8840)

wpd@delmar-law.com

CHAD C. MARCHAND (MS 102752)

ccm@delmar-law.com

MIGNON M. DELASHMET (MS 2896)

mmd@delmar-law.com

JOHN A. PIAZZA (MS 100333)

jap@delmar-law.com

*Attorneys for Defendants Wal-Mart Stores East, LP  
and Walmart, Inc.*

OF COUNSEL:

DELASHMET & MARCHAND, P.C.

Post Office Box 2047

Mobile, AL 36652

Telephone: (251) 433-1577

Facsimile: (251) 433-7994

CERTIFICATE OF SERVICE

I hereby certify that I have on this 5th day of August 2021, served a copy of the foregoing pleading upon counsel as listed below by depositing the same in the U. S. Mail, postage prepaid and properly addressed

L. O'Neal Williams, Jr.  
Williams, Williams & Montgomery, P.A.  
140 Mayfair Rd, Suite 1100  
Hattiesburg, MS 39402

/s/ W. Pemble DeLashmet  
OF COUNSEL